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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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09/457,173 12/08/99 JACOBSON

J JACOB100

EXAMINER

IM22/0824

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FENWAL DIVISION
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KIM,S

ART UNIT

PAPER NUMBER

1723

10

DATE MAILED:

08/24/01

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

Office Action Summary

Application No.

09/457,173

Applicant(s)

Jacobson

Examiner

First Last

Art Unit

1234



-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) ☒ Responsive to communication(s) filed on Jun 14, 2001

2a) ☐ This action is FINAL.

2b) ☒ This action is non-final.

3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

Disposition of Claims

4) ☒ Claim(s) 1-102 is/are pending in the application.

4a) Of the above, claim(s) 6-13 and 31-101 is/are withdrawn from consideration.

5) ☐ Claim(s) _____ is/are allowed.

6) ☒ Claim(s) 1-5, 14-30, and 102 is/are rejected.

7) ☐ Claim(s) _____ is/are objected to.

8) ☐ Claims _____ are subject to restriction and/or election requirement.

Application Papers

9) ☐ The specification is objected to by the Examiner.

10) ☐ The drawing(s) filed on _____ is/are objected to by the Examiner.

11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved.

12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

13) ☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

a) ☐ All b) ☐ Some* c) ☐ None of:

1. ☐ Certified copies of the priority documents have been received.

2. ☐ Certified copies of the priority documents have been received in Application No. _____.

3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

*See the attached detailed Office action for a list of the certified copies not received.

14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

Attachment(s)

15) ☒ Notice of References Cited (PTO-892)

18) ☐ Interview Summary (PTO-413) Paper No(s). _____

16) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

19) ☐ Notice of Informal Patent Application (PTO-152)

17) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s). 9

20) ☐ Other:

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1. Claims 6-13 and 31-101 are withdrawn from further consideration by the examiner, 37 CFR 1.142(b), as being drawn to a non-elected invention, the requirement having been traversed in Paper No. 6.
2. Claims 1-5, 14-18, 21-30 and 102 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 5,753,014 (hereinafter referred to as Van Rijn) in view of U.S. Patent No. 5,275,725 (hereinafter referred to as Ishii et al). Van Rijn teaches a membrane filter comprising a polymeric filter layer made of polyamide (etchable and photosensitive) including etched micron-scaled precision shaped pores of square, circular, or elongated cross section and a polymeric support layer made including multiple support layers with different pore sizes wherein the support layer is thicker than the filter layer, pore size ranges from 5 nanometers to 50 microns and filter layer is used to remove leukocytes (see figures 1, 9-15b, 31-34; col. 1, line 57 - col. 9, line 5; col. 11, line 22 - col. 13, line 14). Van Rijn further teaches that filter layer and support layer are constituted from equivalent materials with the same or similar components and the filter of this kind is applicable in a wide temperature range with a good cohesion between the support and the membrane. Claims 1-5, 14-18, 21-30 and 102 essentially differ from the membrane filter of Van Rijn in reciting that the membrane is monolithic. Monolithic as stated by applicant means that there is no discernible lines of distinction between the filter and support layers. Ishii et al teach a membrane filter wherein polymeric membrane is heat fused into polymeric support layer to form an integrated membrane (see col. 9, line 62 - col. 10, line 53) and such integrated membrane is free from wrinkles which causes a breakage (see col. 12, line 62 - col. 13, line 5). It would

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have been obvious to a person of ordinary skill in the art to heat fuse a polymeric membrane into a polymeric support to form an integrated membrane (i.e. monolithic membrane) for providing a stronger membrane free from wrinkles.

3. Claims 19-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Van Rijn in view of Ishii et al as applied to claim 1 above, and further in view of U.S. Patent No. 5,807,406 (hereinafter referred to as Brauker et al). Claims 19-20 essentially differ from the apparatus of Van Rijn in reciting that polymeric material of filter layer and support layer is an etchable or photosensitive polyimide material. Van Rijn teaches a membrane filter made of polyamide which is etchable or photosensitive. Brauker et al teaches a porous microfabricated polymer membrane structure made of etchable or photosensitive polyimide (see abstract). It would have been obvious to a person of ordinary skill in the art to substitute polyimide for polyamide of Van Rijn as a filter and a support layer since these materials are in a similar class of polymer and possessing characteristics of being etchable or photosensitive.

4. Applicant's arguments with respect to claims 1-5, 14-30 and 102 have been considered but are moot in view of the new ground(s) of rejection.

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to John Kim whose telephone number is (703) 308-2350. The examiner can normally be reached on weekdays from 7:00 AM - 3:00 PM.


If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wanda Walker, can be reached on (703) 308-0457. The fax phone number for official response

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after final action is (703) 872-9311, and the fax phone number for all other official faxes is (703) 872-9310.

When sending a draft amendment by fax, please mark the paper as "DRAFT"; otherwise, mark the paper "OFFICIAL". This will expedite the processing of the paper.

Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703) 308-0651.


John Kim
Primary Examiner
Art Unit 1723

J. Kim
August 22, 2001